IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 15281 of 2006(T)

PETITIONER:

M.ALEYAMMA, W/O.ITTAN,
AGED 57 YEARS, ORMADATHIL HOUSE,
ADIMALY (PO), IDUKKI DISTRICT-686 551, (RETIRED
HSA, GOVERNMENT HIGH SCHOOL, ADIMALY).

BY ADV. SRI.K.A.SHAMSUDEEN

RESPONDENTS:

1. THE STATE OF KERALA, REP. BY ITS
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE ACCOUNTANT GENERAL OF KERALA,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
IDUKKI AT THODUPUZHA, THODUPUZHA (PO),
IDUKKI DISTRICT.

4. THE HEADMASTER,
GOVERNMENT HIGH SCHOOL, ADIMALI (PO),
IDUKKI DISTRICT.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.15281 OF 2006

Dated this the 12th day of July, 2007

JUDGMENT

Petitioner was granted higher grade reckoning his service in an aided school prior to his entry in Government service in terms of Ext.P1 order issued by the Government on June 17, 1999. Subsequently, the Government withdrew the said benefit under Ext.P1 by issuing Ext.P4 order. Consequently, recovery proceeding were initiated against the petitioner. The said direction is impugned in this writ petition. While upholding the decision of the Government to cancel Ext.P1, it was held by this court that the Government would not be justified in effecting recovery of the monetary benefits received by the employees by virtue of Ext.P1 order. [**Stanly V. State of Kerala (2002 (2) KLT 431)]**

2. In view of the above settled position, this writ petition is allowed. The recovery, if any, initiated against the petitioner shall stand quashed. Since it is brought to my notice that petitioner has since retired from service, all his

retiral benefits shall be worked out after regulating his payment without effecting any recovery. This shall be done as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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